

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Services – Prohibition & Excise Department – Disciplinary action initiated under Rule 20 of APCS (CC&A) Rules 1991 against Sri G.Nagendrappa, Prohibition & Excise Inspector (Retired) – Case entrusted to Tribunal for Disciplinary Proceedings – Orders of Hon'ble High Court dated 29.10.2019 & 05.11.2019 in W.P. No 16212/2019; 16221/2019 and 16236/2019 – Implemented – orders – Issued.

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REVENUE (VIGILANCE.IV) DEPARTMENT

G.O.RT.No.236

Dated:19.02.2020.

Read the following:-

- 1) From the D.G., A.C.B., Letter R.C.No.14/RCO-VGT/2012, dt:10.10.2012.
- 2) From the D.G., A.C.B., Letter R.C.No.15/RCO-VGT/2012, dt:08.10.2012.
- 3) From the D.G., A.C.B., Letter R.C.No.61/RCO-VGT/2012, dt:12.11.2012.
- 4) From the APVC, Letter No.8038/VC.C2/2012-1 dated 16.11.2012.
- 5) From the APVC, Letter No.8069/VC.C2/2012-4 dated 30.11.2012.
- 6) From the APVC, Letter No.8828/VC.C2/2012-1 dated 07.12.2012.
- 7) Govt. Memo No.45926/Vig.V(2)/2012-1, Rev (Vig.V) Dept. dt:16.01.2013.
- 8) Govt. Memo No.45965/Vig.V(2)/2012-1, Rev (Vig.V) Dept. dt:16.01.2013.
- 9) Govt. Memo No.51902/Vig.V(2)/2012-1, Rev (Vig.V) Dept. dt:16.01.2013.
- 10) From Tribunal for Disciplinary Proceedings, Charge Memos, TEC No.121/2013; TEC No.139/2013 & TEC No.170/2013 dated 21.06.2017; 15.09.2017 & 27.11.2017 respectively.
- 11) From the Hon'ble A.P., High Court of Judicature, Order dated 29.10.2019 in W.P.No.16212 of 2019.
- 12) From the Hon'ble A.P., High Court of Judicature, Orders dated 05.11.2019 in W.P.No.16221 of 2019 & 16236 of 2019 respectively.
- 13) From Sri G.Nagendrappa, Retired Prohibition & Excise Inspector, Nellore district representation dated 31.12.2019 along with its enclosures.

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ORDER:

In the references 1st to 3rd read above, the Director General, Anti Corruption Bureau has furnished reports on the allegations of Prohibition & Excise Officers involved in the (3) liquor syndicate cases pertaining to Guntur District in respect of Sri G.Nagendrappa, Prohibition & Excise Inspector (Retired), while he was working as SHO, Pedakurapadu as Accused Officer-15 & 9 and as SHO, Macherla as Accused Officer-12 and recommended the above (3) cases to place him on his defense before Tribunal for Disciplinary Proceedings.

2. After examining the recommendations of the Director General, Anti Corruption Bureau, Government have entrusted three (3) cases among others, Sri G.Nagendrappa, Prohibition & Excise Inspector is placed on his defence before Tribunal for Disciplinary Proceedings vide references 7th to 9th read above. In the meanwhile, Sri G.Nagendrappa, Prohibition & Excise Inspector, was retired from service on attaining the age of superannuation with effect from 31.12.2016. The Tribunal for Disciplinary Proceedings have issued Charge Memos to Sri G.Nagendrappa, Prohibition & Excise Inspector, on the above (3) cases vide reference 10th read above.

3. Aggrieved by the above three (3) Charge Memos, Sri G.Nagendrappa, Prohibition & Excise Inspector (Retired) has filed (3) Writ Petition Nos.16212/2019; 16221/2019 & 16236/2019 before the Hon'ble High Court to set aside the same and direct the respondents to release full pension and other retirement benefits to the applicant immediately, as the incident pertains to the year 2011, i.e., beyond the retirement, contrary to Rule 9(2)(b)(ii) of Andhra Pradesh Revised Pension Rules, 1980

and also in terms of the similar orders passed in W.P.No.25587/2018 and Batch dated 15.11.2018, W.P.No.11886 of 2019, dated 22.08.2019. The Hon'ble High Court of Judicature vide reference 11th to 12th read above, has passed the following orders in the said Writ Petitions (Operative portions):-

Orders dated 29.10.2019 in W.P.16212 of 2019

"5. Learned Government Pleader agrees that the matter is squarely covered by the Judgments which are annexed to the material papers.

6. In view of that matter, as the issue is covered in the earlier judgments and charge memo reveals that the alleged incidents took place during the years 2010 and 2011, which were long prior to the retirement of the writ petitioner, this court is of opinion that the petitioner is entitled to the relief as prayed for.

Having regard to the above, the Writ Petition is allowed. No order as to costs. As a sequel, the miscellaneous applicants, if any pending, shall stand closed".

Orders dated 05.11.2019 in W.P.16221 of 2019

" Learned Government Pleader for Services – I fairly submits that the matter is squarely covered by the order in W.P.No.11886 of 2019 dated 22.08.2019.

In view of the above, the Writ Petition is allowed quashing the charge memo, issued by the Tribunal for Disciplinary Proceedings, Hyderabad, in Tribunal Enquiry Case No.139 of 2013 dated 15.09.2017, and the petitioner is entitled to all consequential pensionary and other retirement benefits. No order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed".

Orders dated 05.11.2019 in W.P.16236 of 2019

" Learned Government Pleader for Services – I fairly submits that the matter is squarely covered by the order in W.P.No.11886 of 2019 dated 22.08.2019.

In view of the above, the Writ Petition is allowed quashing the charge memo, issued by the Tribunal for Disciplinary Proceedings, Hyderabad, in Tribunal Enquiry Case No.170 of 2013 dated 27.11.2017, and the petitioner is entitled to all consequential pensionary and other retirement benefits. No order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed".

4. In the reference 13th read above, Sri G.Nagendrappa, Retired Prohibition & Excise Inspector (Retired), has stated among other things that Hon'ble High Court has quashed the charges framed against him and ordered to release the full pension, retirement gratuity and commutation of full service pension. He has further stated that the officers who faced the same charges are getting full pensionary benefits by the orders of Government of Andhra Pradesh. Finally, he has requested to pass favourable orders in this regard.

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5. Government, after careful examination of the entire matter, and keeping in view of the orders dated 29.10.2019 and 05.11.2019 of Hon'ble High Court of Judicature in Writ Petitions.No.16212/2019; 16221/2019 & 16236/2019 filed by Sri G.Nagendrappa, Prohibition & Excise Inspector (Retired) have decided to implement the orders of Hon'ble High Court dated 29.10.2019 & 05.11.2019 and to release the pension and pensionary benefits to Sri G.Nagendrappa, Prohibition & Excise Inspector (Retired).

6. Accordingly, Government hereby order to implement the orders dated 29.10.2019 & 05.11.2019 of Hon'ble High Court of Judicature in Writ Peititions.No.16212/2019; 16221/2019 & 16236/2019 filed by Sri G.Nagendrappa, Prohibition & Excise Inspector (Retired) and to release the pension and pensionary benefits of Sri G.Nagendrappa, Prohibition & Excise Inspector (Retired), Nellore District.

7. The Commissioner of Prohibition and Excise shall take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

To

Sri G.Nagendrappa, Prohibition & Excise Inspector (Retired), Nellore district through Commissioner of Prohibition and Excise, Andhra Pradesh, Vijayawada.

The Commissioner of Prohibition and Excise, Andhra Pradesh, Vijayawada.

Copy to:

The Director General, Anti Corruption Bureau, Andhra Pradesh, Vijayawada.

The Secretary to Andhra Pradesh Vigilance Commission, Andhra Pradesh Secretariat, Velagapudi.

The Secretary, Tribunal for Disciplinary Proceedings, Andhra Pradesh, at Nampally, Hyderabad.

The Government Pleader for Services, Andhra Pradesh High Court, Amaravati.
w.r.t W.P.Nos.16212/2019; 16221/2019 & 16236/2019.

The Accountant General, Andhra Pradesh, Amaravathi @ Vijayawada/ Hyderabad.

The Deputy Commissioner of Prohibition & Excise Department, Nellore / Guntur District.

The District Treasury Officer, Nellore District.

The Director of Treasuries and Accounts, Andhra Pradesh, Vijayawada.

Sc/Sf.

//FORWARDED BY :: ORDER//

SECTION OFFICER